

REMARKS

Applicants concurrently file herewith a Petition for Extension of Time, and corresponding extension of time fee, for a one-month extension of time.

Claims 14-16, 21, 23-25, 27 and 28 are all the claims presently pending in the application. The claims have not been amended by the present response.

Claims 14-16, 21, 23-25, 27 and 28 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 14-16, 21, 23-25, 27 and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Warlick et al. (U.S. Patent Application Publication No. 2003/0127342; hereinafter “Warlick”).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention of exemplary claim 1 provides a woven/non-woven fabric including fibers consisting of pure cotton (see Application at page 9, lines 1-4). This combination of features provides a fabric that is reusable, tear-resistant when dry or soaked, very high in absorption capacity, ecological and biodegradable (see Application at page 2, lines 10-12).

II. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION

Claims 14-16, 21, 23-25, 27 and 28 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. The Examiner, however, is clearly incorrect.

That is, Applicants submit that the Application clearly sets forth “for purposes of the present application, a “woven/non-woven fabric” is called “woven” because it looks like fabric and “non-woven” because in the production process a loom is not employed” (see Application at page 2, lines 7-9).

Applicants submit that when determining whether claim terminology is definite with respect to 35 U.S.C. §112, second paragraph, “[t]he essential inquiry pertaining to

this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure;” (see M.P.E.P. § 2173.02; emphasis added by Applicants).

Furthermore, applicants “can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification” (see M.P.E.P. § 2173.01; emphasis added by Applicants).

Applicants submit that in light of the disclosure of the Application, which clearly sets forth the meaning of the term “woven/non-woven”, one of ordinary skill in the art would clearly understand the metes and bounds of the subject matter of the claimed invention.

Therefore, Applicants submit that the claimed invention of claims 14-16, 21, 23-25, 27 and 28 particularly points out and distinctly defines the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. THE PRIOR ART REJECTIONS

The Examiner alleges that Warlick teaches the claimed invention of claims 14-16, 21, 23-25, 27 and 28. Applicants submit, however, that there are features of the claimed invention, which are neither taught nor suggested by Warlick.

That is, Warlick does not teach or suggest “*fibers consisting of pure cotton*”, as recited in exemplary claim 14, and similarly recited in claim 27.

The Examiner attempts to rely on the Abstract of Warlick to support his allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in this passage (nor anywhere else for that matter) does Warlick teach or suggest a woven/non-woven fabric including fibers consisting of pure cotton.

Applicants submit that the fabric of the claimed invention is limited to fibers that include only pure cotton. This feature of the claimed invention is not taught or suggested by the cited prior art references.

Indeed, Warlick clearly teaches that the fabric may include a waterproofing chemical or a UV inhibitor in addition to the cotton fibers (e.g., see Warlick at paragraph [0020]).

Therefore, Applicants submit that there are features of the claimed invention that are neither taught nor suggested by the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 14-16, 21, 23-25, 27 and 28, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.


Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: _____

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Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**

8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254